

Message Text

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JUSTICE: MRS. BETTY KUYKENDALL, RM. 6142, MAIN JUSTICE AND
MR. PETER BEESON, CRIMINAL DIVISION, RM. 474 SAFEWAY BLDG.

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P 122323Z APR 76

FM SECSTATE WASHDC

TO AMEMBASSY SANTO DOMINGO PRIORITY

AMEMBASSY PORT AU PRINCE PRIORITY

UNCLAS STATE 088087

E.O. 11652, N/A

TAGS: CGEN

SUBJECT: JUDICIAL ASSISTANCE FOR DEPT OF JUSTICE:

U.S. V. JOSE MARTINEZ, ET AL. (S.D. FLA. 76-CR-70).

REF: STATE 79302 (NOTAL), SANTO DOMINGO 1533,

PORT AU PRINCE 826 STATE 43541

1. FOR SANTO DOMINGO: (A) RECEIVED MATERIALS FORWARDED
WITH YOUR OM OF 3/31 AND SENT TO JUSTICE ATTORNEYS, WHO
WERE EXTREMELY APPRECIATIVE.

(B) WITNESS CECILIA TAVARAS WILL BE NEEDED IN FLORIDA FROM
9:00 A.M. 4/26 TO 4/29. REQUEST SHE BE ISSUED GTR FOR
ROUND TRIP AIR TRAVEL (ECONOMY JET) BETWEEN SANTO DOMINGO
AND MIAMI, AND DOLS 36 CASH REPRESENTING STATUTORY WITNESS
FEE AND PERDIEM FOR 1 DAYS' ATTENDANCE AT TRIAL. CHARGE
FOREGOING AGAINST DEPARTMENT OF JUSTICE APPROPRIATION
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1560311 'FEES AND EXPENSES OF WITNESSES" JUSTICE, 1976,

FUND CODE 6G6004. WITNESS SHOULD CONTACT WILL WARNER OR PETER BEESON AT U.S. ATTORNEY'S MEZZANINE, U.S. COURTHOUSE, 300 NE FIRST AVENUE (TEL: 304-350-4471) UPON ARRIVAL.

(C) IF POSSIBLE, WITNESS SHOULD BRING ORIGINAL HOTEL RECORDS WITH HER SINCE FEDERAL RULES OF EVIDENCE REQUIRE ORIGINAL (RULE 1002). THEY WILL BE RETURNED AT END OF TRIAL. IF ORIGINALS NOT AVAILABLE SHE SHOULD BE PREPARED TO TESTIFY AS TO REASON AND TO STATE THAT SHE PERSONALLY COMPARED COPIES SOUGHT TO BE INTRODUCED IN EVIDENCE WITH ORIGINALS AND FOUND THEM TO BE THE SAME IN EVERY RESPECT.

2. FOR PORT AU PRINCE: (A) JUSTICE IS HOPEFUL THAT EMBASSY'S EFFORTS (REPORTED PORT AU PRINCE 826) TO SECURE IMMIGRATION AND HOTEL RECORDS HAVE BEEN SUCCESSFUL. JUSTICE IS ESPECIALLY INTERESTED IN OBTAINING IMMIGRATION RECORD SHOWING ENTRY OF JORGE RAMOS ON 5/13/72, AND HAS REASON TO BELIEVE THAT SUCH RECORD EXISTS. (AS PREVIOUSLY MENTIONED, ALL HOTEL RECORDS REQUESTED IN STATE 43541 HAVE BEEN SEEN BY DEA AGENTS.)

(B) IF EMBASSY'S EFFORTS HAVE NOT BEEN FRUITFUL, PLEASE INFORM DEPT SO WORD MAY BE PASSED TO JUSTICE, WHICH STILL CONTEMPLATES SENDING AGENT TO ASSIST IN SEARCH.

(C) HOTEL RECORDS WHICH HAVE BEEN LOCATED, AS WELL AS ANY WHICH MAY BE FOUND, ARE USELESS WITHOUT A WITNESS TO IDENTIFY THEM IN COURT. SUCH IDENTIFICATION IS A PREREQUISITE TO ADMISSABILITY OF NON-OFFICIAL DOCUMENTARY EVIDENCE UNDER FEDERAL RULES OF EVIDENCE. PLEASE ASSURE HOTEL MANAGEMENT THAT WITNESS WILL BE ASKED TO TESTIFY ONLY ABOUT RECORDS (E.G. WHETHER WITNESS IS CUSTODIAN OF RECORDS, WHETHER THEY WERE KEPT IN THE ORDINARY COURSE OF BUSINESS, WHETHER RECORDS WERE MADE AT TIME OF EVENTS THEY PURPORT TO DESCRIBE, AND WHETHER THEY ARE ACCURATE). WITNESS WILL BE SUBJECT TO CROSS-EXAMINATION ABOUT THE FOREGOING AND MAY BE SUBJECT TO CROSS-EXAMINATION ABOUT SPECIFIC EVENTS CONCERNING HIS CHARACTER FOR TRUTHFULNESS OR UNTRUTHFULNESS. HOWEVER, LATTER LINE OF QUESTIONING UNCLASSIFIED

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IS UNLIKELY.

(D) JUSTICE STRESSES THAT HOTEL/IMMIGRATION RECORDS ARE VITAL TO ITS EFFORTS TO PROVE AN IMPORTANT LINK IN CONSPIRACY, AND THEREFORE ASKS THAT EMBASSY MAKE EVERY EFFORT ON ITS BEHALF. KISSINGER

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